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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME
FOR HEARING *EMERGENCY* MOTION
FOR ORDER AUTHORIZING
DEBTOR'S ENTRY INTO INTERIM
MANAGEMENT SERVICES
AGREEMENT PENDING APPROVAL
OF SALE OF DEBTOR'S ASSETS**

Hearing Date: N/A

Hearing Time: N/A

Cash Cloud, Inc. d/b/a Coin Cloud ("Cash Cloud," or "Debtor"), debtor and debtor-in-possession in the above-captioned Chapter 11 case (the "Chapter 11 Case"), by and through its undersigned counsel, Fox Rothschild LLP, hereby files this *Ex Parte Application For Order Shortening Time For Hearing* (the "Application") on Debtor's *Emergency Motion for Order Authorizing Debtor's Entry Into Interim Management Services Agreement Pending Approval of Sale*

1 of Debtor's Assets (the "Motion").¹ This Application is made and based upon the following points
 2 and authorities, the *Declaration of Brett A. Axelrod* (the "Axelrod Declaration") in support hereof
 3 and attached as **Exhibit A** hereto, the Attorney Information Sheet filed concurrently herewith, and
 4 the pleadings and papers on file in the above-captioned chapter 11 case, judicial notice of which is
 5 respectfully requested.

6 WHEREFORE, for the reasons set forth herein, Debtor respectfully requests that the Court
 7 hear the Motion on an order shortening time, and grant such other and further relief as may be just
 8 and proper.

9 Dated this 16th day of June, 2023.

10 **FOX ROTHSCHILD LLP**

11 By: /s/Brett A. Axelrod
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 20 *Counsel for Debtor*

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¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

1 **POINTS AND AUTHORITIES**

2 **I.**

3 Debtor, by this Application, pursuant to Bankruptcy Rule 9006 and Rule 9006 of the Local
4 Bankruptcy Rules for the United States Bankruptcy Court, District of Nevada (the “Local Rules”),
5 seeks an order shortening time for notice and hearing for the Motion.

6 **The Relief is Authorized by Rule 9006 and Meets Due Process Requirements.**

7 Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and
8 a party to file an *ex parte* motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1)
9 provides in relevant part:

10 In General. Except as provided in paragraph (2) of this subdivision,
11 when an act is required or allowed to be done at or within a specified
12 time by these rules or by a notice given thereunder or by order of court,
the court for cause shown may in its discretion with or without motion
or notice order the period reduced.

13 Fed. R. Bankr. P. 9006(c)(1).

14 Courts have generally acknowledged that such expedited relief does not violate due process
15 rights, *even if the motion to shorten time is made ex parte*. “Bankruptcy Rule 9006(c) permits the
16 bankruptcy court ‘for cause shown’ in its discretion, with or without motion or notice, to reduce the
17 notice period, and ex parte motions for material reductions in the notice period are routinely granted
18 by bankruptcy courts.” Hester v. NCNB Texas Nat’l Bank (In re Hester), 899 F.2d 361, 364 n. 3
19 (5th Cir. 1990); see also 10 Collier on Bankruptcy 9006.09 (16th ed. 2019 rev.); In re Gledhill, 76
20 F.3d 1070 (10th Cir. 1996).

21 Cause exists for the Court to shorten time on the Motion. Debtor and Manager intend to
22 consummate Manager’s purchase of the assets through a Sale under section 363 of the Bankruptcy
23 Code pursuant to terms and conditions of an asset purchase agreement to be executed by the Parties
24 all of which will be subject to Court approval. Debtor needs the financial support and backing of
25 Manager as provided in the Interim Management Services Agreement. The Interim Management
26 Services Agreement reduces the liquidity and administrative burden on Debtor’s estates by shifting
27 certain of the operating costs to the Manager.
28

Accordingly, in order to preserve the operational viability and the going concern value of the Business pending the Court's confirmation of the Auction results and Manager's consummation of its purchase of the Commercial Division's assets for the Purchase Price, the Parties have determined that it is in the best interest of the Debtor and their creditors to employ Manager on an interim basis to operate the Business on certain terms and conditions, commencing on the Effective Date (as defined in the Interim Management Services Agreement).

Copies of the Motion and their related pleadings shall be served on (a) the Office of the United States Trustee; (b) counsel to the Official Committee of Unsecured Creditors; (c) counsel to the DIP Lender; (e) Debtor's secured creditors and (f) the parties that have filed requests for special notice in the Chapter 11 Case.

Counsel Has Conferred With the Notice Parties.

Prior to filing this Motion, and pursuant to Local Rule 9006, Counsel consulted the parties as shown on the Attorney Information Sheet For Proposed Order Shortening Time, filed concurrently herewith and incorporated by reference herein.

II.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court hear the Motion on an expedited basis, and grant such other and further relief as may be just and proper.

Dated this 16th day of June, 2023.

FOX ROTHSCHILD LLP

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Counsel for Debtor

EXHIBIT A

DECLARATION AFFIRMING REQUESTED RELIEF

I, Brett A. Axelrod, declare under penalty of perjury that: I am competent to make this declaration under the laws of the United States and the State of Nevada; I have read the above Application for an Order Shortening Time; and the facts stated therein are true and correct to the best of my knowledge, information and belief.

DATED this 16th day of June 2023.

By /s/Brett A. Axelrod
BRETT A. AXELROD